

PACER TECHNICAL SERVICE, INC.

February 6, 1996

Mr. William F. Caton DOCKET FILE COPY ()RIGINAL Acting Secretary Federal Communications Commission 1919 M Street, Northwest Washington, D.C. 20554

RECEIVED
FEB - 8 1996

RE: Petition For Rule Making UHF TV Channel 25 Marinette, Wisconsin

Dear Secretary Caton:

Transmitted herewith on behalf of my client, Tri-City Television Company, is a signed original, with five copies, of a Petition For Rulemaking to Amend 47 C.F.R. Section 73.606(B), Table of Allotments, Television Broadcast Stations.

This Petition requests Allotment of UHF Television Channel 25 to the City of Marinette, Wisconsin.

Please direct this material to the Policy and Rules Division of the Mass Media Bureau for processing.

Sincerely,

Lyle R. Evans,

Technical Consultant to: Tri-City Television Co.

LRE:MB

Enclosures: Petition For Rulemaking

5 copies

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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

FEB - 8 1996

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS CONTRICTOR
OFFICE OF SECRETARY

IN THE MATTER OF:

AMENDMENT OF SECTION 73.606(B),)

TABLE OF ALLOTMENTS,)

TELEVISION BROADCAST STATIONS.)

(MARINETTE, WISCONSIN)

TO: CHIEF, ALLOCATIONS BRANCH, POLICY AND RULES DIVISION,

PETITION FOR RULE MAKING

MASS MEDIA BUREAU

Douglas A. Maszka d/b/a Tri-City Television

Company hereby Petitions the Federal Communications

Commission in Washington, D.C., to amend the Television

Table of Allotments, Section 73.606(b) of the Commission's

Rules and Regulations in the following manner:

Community: Existing: Proposed:

Marinette, WI None Channel 25

In support of this <u>PETITION FOR RULE MAKING</u> to allot Television Channel 25 to Marinette, Wisconsin, Tri-City Television Company, the Petitioner, respectfully submits the Engineering Statement prepared by Lyle Robert Evans, Technical Consultant, attached hereto as Appendix 1.

Inasmuch as, Marinette, Wisconsin, and vicinity residents shall be provided a first local television

transmission service, Tri-City Television Company, the Petitioner, concludes its Proposed Rule Making in the Public Interest.

The requested allotment petitioned by Tri-City
Television Company shall provide residents of Marinette,
Wisconsin, and adjoining Menominee, Michigan, a vehicle for
local visual self expression, truly in the public interest,
convenience and necessity.

Marinette, Wisconsin (population 11,843), in Marinette County (population 40,548), per the 1990 Census, is an incorporated City.

The allotment of UHF Television Channel 25 to the City of Marinette, Wisconsin, is full accord with Commission Rules and Regulations, and Assignment policy.

If the Commission goes forward to Amend 47 Code of Federal Regulations \$73.606(b), to allot UHF Television Channel 25 to Marinette, Wisconsin, as Petitioned, Tri-City Television Company shall immediately file an Application For Construction Permit For Commercial Broadcast Station (FCC Form 301), to activate UHF Television Channel 25, as allotted at Marinette.

Upon a Commission "Grant" of such a Form 301

Application, Tri-City Television Company shall promptly

construct and subsequently license the permitted facility.

In accord with 47 Code of Federal Regulations

§1.52, I, Douglas A. Maszka d/b/a Tri-City Television Company, hereby certify I have read this entire document, that to the best of my knowledge, information and belief it is true and correct, that there is good ground to support it, and that it is not interposed for delay.

Respectfully submitted,

TRI-CITY TELEVISION COMPANY

February 5, 1996

Douglas A. Maszka

Douglas A. Maszka d/b/a Tri-City Television Company 600 Vroman Street Green Bay, Wisconsin 54303 (414) 497-3136

PETITION FOR RULE MAKING; CONCLUDED

APPENDIX 1

FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF:)	MM DUCKET NU:
AMENDMENT OF SECTION 73.606(B), TABLE OF ALLOTMENTS, TELEVISION BROADCAST STATIONS, (MARINETTE, WISCONSIN.)	RM
(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	•	

TO: CHIEF, ALLOCATIONS BRANCH, POLICY AND RULES DIVISION, MASS MEDIA BUREAU.

PREPARED FOR:

TRI-CITY TELEVISION COMPANY FEBRUARY 2, 1996

PREPARD BY:

LYLE ROBERT EVANS
TECHNICAL CONSULTANT
PACER TECHNICAL SERVICE, INC.
1750 FREEDOM ROAD
LITTLE CHUTE, WISCONSIN 54140

(414) 687-0722

PETITIONER: Tri-City Television Company
Proposed UHF Ch. 25 Allotment

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Marinette, Wisconsin

Prepared 02/02/96

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- 4. ATTACHMENT B: UHF CHANNEL 25 DISTANCE SEPARATION STUDY FCC RM-5811 ORDER Proposed Restricted Allotment Coordinates
- 4. ATTACHMENT C; UHF CHANNEL 25 DISTANCE SEPARATION STUDY Proposed Restricted Allotment Coordinates

ENGINEERING STATEMENT, TABLE OF CONTENTS; CONCLUDED

STATE OF WISCONSIN)
COUNTY OF OUTAGAMIE)
VILLAGE OF LITTLE CHUTE)

LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

THAT HE IS A ELECTRONIC COMMUNICATIONS TECHNICAL CONSULTANT WITH OFFICES AT 1750 FREEDOM ROAD, LITTLE CHUTE, WISCONSIN, 54140;

THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH THE FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON, D.C;

THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO, TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION;

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY OR UNDER HIS DIRECTION, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.

LYLE ROBERT EVANS, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF FEBRUARY, 1996.

KEVIN J. KLEIN, NOTARY PUBLIC

DATE OF COMMISSION EXPIRATION: MARCH 14'TH, 1999.

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN THE MATTER OF:

AMENDMENT OF SECTION 73.606(B),) RM
TABLE OF ALLOTMENTS,)
TELEVISION BROADCAST STATIONS.)
(MARINETTE, WISCONSIN)

TO: CHIEF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,

MASS MEDIA BUREAU

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition For Rule Making, to which this Statement is Appendix 1.

Tri-City Television Company, the Petitioner, retained the services of Lyle Robert Evans, technical consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Petition For Rule Making of Tri-City Television Company to amend 47 Code of Federal Regulations §73.606(b), Table of Allotments, Television Broadcast Stations, to allot UHF Television Channel 25 to the City of Marinette, Wisconsin, as that community's first television transmission service.

The City of Marinette, Wisconsin, reference

Geographic Coordinates, specified in the National Atlas of

MARINETTE, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. \$73.606(b); TELEVISION TABLE OF ALLOTMENTS
UHF TELEVISION CHANNEL 25; 536.0 - 542.0 MHZ.
PETITIONER: TRI-CITY TELEVISION COMPANY

the United States of America, published by the United States

Department of the Interior Geological Survey, are:

45°-05'-54" North Latitude, 87°-38'-12" West Longitude.

Allotment of UHF Television Channel 25 to

Marinette, Wisconsin, falls under restrictions defined by an

ORDER in RM-5811, dated July 16, 1987, by which the

Commission imposed a temporary "Freeze" in certain

metropolitan areas.

Attachment "E-A" to this Statement sets forth the five closest major cities defined in RM-5811, with their reference coordinates and required co-channel separation distance, and actual distance in kilometers, with bearing in degrees True, from the City of Marinette, Wisconsin, Geographic Reference Coordinates.

This attachment displays a "Short-Spacing" to the City of Milwaukee, Wisconsin, Reference Coordinates in contravention with current Commission allotment policy.

To allot UHF Television Channel 25 to Marinette, Wisconsin, it is necessary to restrict the allotment location 18.89 kilometers distant, at a bearing of 00.0 degrees True, to geographic coordinates 45°-16'-06" North Latitude, 89°-38'-12" West Longitude.

MARINETTE, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. \$73.606(b); TELEVISION TABLE OF ALLOTMENTS
UHF TELEVISION CHANNEL 25; 536.0 - 542.0 MHZ.
PETITIONER: TRI-CITY TELEVISION COMMANY

Attachment "E-B" to this Statement evidences allotment of UHF Television Channel 25 to Marinette, Wisconsin, at the specified restricted allotment geographic coordinates, does not fall under any restrictions defined by the Commission ORDER in RM-5811, dated July 16, 1987.

Attachment "E-C" to this Statement is a Television Channel 25 Distance Separation Study with the Marinette, Wisconsin, specified restricted allotment coordinates as base, displays the allotment of UHF Television Channel 25 to Marinette, Wisconsin, in complete compliance with all applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations, \$73.610.

The most distant point on the Marinette,
Wisconsin, Corporate Boundary ("City-Limits") from the
UHF Television Channel 25 proposed restricted allotment
coordinates was located on United States Geological Survey
7.5 Minute Series (Topographic) Map, titled: Marinette East
Quadrangle, Wisconsin-Michigan (dated 1963) Photorevised
1976.

The geographic coordinates of this point determined as: 45°-04'-15" North Latitude, 87°-36'-44" West Longitude, and distance and bearing calculated to be 22.03

MARINETTE, WISCONSIN PROPOSED RULE MAKING

AMENDMENT OF 47 C.F.R. \$73.606(b); TELEVISION TABLE OF ALLOTMENTS UHF TELEVISION CHANNEL 25; 536.0 - 542.0 MHZ.
PETITIONER: TRI-CITY TELEVISION COMMANY

kilometers (13.69 miles) at 175.0 degrees True.

The F(50,50) 80.0 dBu (10.0 mV/m) predicted
"Principal Community Contour" of a minimal Channel 25
operation radiating 500.0 kilowatts from an antenna
radiation center height of 150.0 meters extends a distance
of 31.50 kilometers.

Many excellent transmitter sites exist from which the requsite "Principal Community" coverage can be provided to the entire City of Marinette, Wisconsin.

CONCLUSION

Allotment of UHF Television Channel 25 to Marinette, Wisconsin, can be accomplished with no channel substitutions.

No multiple community "tinkering with the table" is required to allotment of Channel 25 at Marinette.

There is no effect on any assignment, application or allotment within the "temporary freeze zone" on new allotments or applications. See Notice of Inquiry, 2

FCC Rcd 2125 (1987) and Order, 52 FR 28346, July 29, 1987.

Tri-City Television Company's proposed Amendment of 47 Code of Federal Regulations, \$73.606(b), Table of

MARINETTE, WISCONSIN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. \$73.606(b); TELEVISION TABLE OF ALLOTMENTS
UHF TELEVISION CHANNEL 25; 536.0 - 542.0 MHZ.
PETITIONER: TRI-CITY TELEVISION COMPANY

Allotments, Television Broadcast Stations, shall provide residents of the "Twin Cities" of Marinette, Wisconsin, and Menominee, Michigan, with a first local television transmission service.

Respectfully submitted,

Lyle Robert Evans

Technical Consultant to: Tri-City Television Company

February 2, 1996

Lyle Robert Evans
Technical Consultant
Pacer Technical Service, Inc.
1750 Freedom Road
Little Chute, Wisconsin 54140
(414) 687-0722

ENGINEERING STATEMENT; CONCLUDED

ATTACHMENT E-A

TELEVISION CHANNEL 25 DISTANCE SEPARATION STUDY

LOCATION:

MARINETTE, WISCONSIN

SERVICE:

COMMERCIAL TELEVISION

CHANNEL:

25

FREQUENCY:

536.0 - 542.0 MEGAHERTZ

ZONE:

II

CLASS:

FULL POWER

COORDINATES:

45°-05'-54" N.L., 87°-38'-12" W.L. (CITY REFERENCE COORDINATES)

PETITIONER:

TRI-CITY TELEVISION COMPANY

DATE:

FEBRUARY 2, 1996

				======	=====
CITY STATE	CHAN ZONE	LATITUDE LONGITUDE	BEAR.	DIST. (KM.)	REQ. (KM.)
MILWAUKEE WI	I	43-02-19 87-54-15	185.4	229.81 -18.79	
CHICAGO IL	I	41-52-28 87-38-22	176.6	358.74 110.14	
SAINT PAUL MN	II	44-56-50 93-05-11	267.6	408.48 127.68	
MINNEAPOLIS MN	II	44-58-57 93-15-43	268.3	422.03 141.23	=
DETROIT MI	I	42-19-48 83-02-57	128.2	497.44 248.84	

NOTE:

An allotment of UHF Television Channel 25 to Marinette, Wisconsin, at the City of Marinette Geographic Reference Coordinates falls under restrictions defined in an FCC "ORDER" in RM-5811, released July 16, 1987.

ENGINEERING STATEMENT, ATTACHMENT E-A; CONCLUDED

ATTACHMENT E-B

PAGE 1 OF 1

TELEVISION CHANNEL 25 DISTANCE SEPARATION STUDY

LOCATION:

MARINETTE, WISCONSIN COMMERCIAL TELEVISION

SERVICE: CHANNEL:

25

FREQUENCY:

536.0 - 542.0 MEGAHERTZ

ZONE:

TT

CLASS:

FULL POWER

COORDINATES:

45°-16'-06" N.L., 87°-38'-12" W.L. (RESTRICTED COORDINATES)

PETITIONER:

TRI-CITY TELEVISION COMPANY

DATE:

FEBRUARY 2, 1996

	*******			======	
CITY STATE	CHAN ZONE	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST.	REQ.
MILWAUKEE WI	I	43-02-19 87-54-15	184.9	248.62 0.02	248.6 CLEAR
CHICAGO IL	I	41-52-28 87-38-22	180.0	377.99 128.39	-
SAINT PAUL MN	II	44 -56-50 93-05-11	265.2	430.05 149.25	
MINNEAPOLIS MN	II	44-58-57 93-15-43	265.9	443.37 162.57	280.8 CLEAR
DETROIT MI	1	42-19-48 83-02-57	131.5	492.59 243.99	

NOTE:

An allotment of UHF Television Channel 25 to Marinette, Wisconsin, at the restricted geographic coordinates set forth above does not fall under any restrictions defined in an FCC "ORDER" in RM-5811, released July 16, 1987.

ENGINEERING STATEMENT, ATTACHMENT E-B; CONCLUDED

ATTACHMENT E-C

TELEVISION CHANNEL 25 DISTANCE SEPARATION STUDY

LOCATION:

MARINETTE, WISCONSIN

SERVICE:

COMMERCIAL TELEVISION

CHANNEL:

25

FREQUENCY:

536.0 - 542.0 MEGAHERTZ

ZONE:

II

CLASS:

FULL POWER

COORDINATES:

45°-16'-06" N.L., 87°-38'-12" W.L. (RESTRICTED COORDINATES)

PETITIONER:

TRI-CITIES TELEVISION COMPANY

DATE:

JANUARY 22, 1996

CALL STATUS	CITY STATE FCC FILE	CHAN ZONE		HAAT LATITUE		DIST.	REQ.
VACANT ALLOT	IRON MOUNTAIN MI MM DOC-79-98KF	*17 (+) II		45-49-1 88-04-3		70.21 38.81	
WVTV LIC	MILWAUKEE WI BLCT-870804KE	18 (-) I	5000 DA	307 43-05-4 324 87-54-3		242.20 146.50	95.7 CLEAR
WHRM-TV LIC	WAUSAU WI BLET-910802KE	*20 (+) II		300 44-55-1 690 89-41-3		166.22 134.82	31.4 CLEAR
WCMW LIC	MANISTEE WI BMLET-920501KF	*21 (0) II	224 DA	104 44-03-5 304 86-19-5		168.89 137.49	31.4 CLEAR
VACANT ALLOT	CALUMET MI	*22 (-) II		47-14-1 90-10-2		293.33 261.93	31.4 CLEAR
VACANT ALLOC	PETOSKY MI MM DOC-84-503	*23 (+) II		45-22-1 84-57-1	-	210.41 179.01	31.4 CLEAR
VACANT ALLOT	IRONWOOD MI	2 4 (+) II		46-27-1 90-10-1		236.70 149.00	87.7 CLEAR
WLAX ALLOT	LA CROSSE WI BLCT-901115KG	25 (0) II	562 DA	306 43-48-1 570 91-22-1		338.30 57.50	
VACANT ALLOT	THUNDER BAY	25 (-) II		48-23-0 89-15-0		367.40 86.60	
WGBA LIC	GREEN BAY WI BLCT-841018KK	26 (+) II	2510 DA	360 44-21-3 599 87-58		104.68 16.98	

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ATTACHMENT E-C

TELEVISION CHANNEL 25 DISTANCE SEPARATION STUDY

LOCATION:

MARINETTE, WISCONSIN

SERVICE:

COMMERCIAL TELEVISION

CHANNEL:

25

FREQUENCY:

536.0 - 542.0 MEGAHERTZ

ZONE:

II

CLASS:

FULL POWER

COORDINATES: 45°-16'-06" N.L., 87°-38'-12" W.L. (RESTRICTED COORDINATES)

PETITIONER:

TRI-CITIES TELEVISION COMPANY

DATE:

JANUARY 22, 1996

=======		========					-====
CALL STATUS	CITY STATE FCC FILE		ERP HAAT (KW) HAMSL	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST.	REQ.
WCMV LIC	CADILLAC MI BLET-841002KF	*27 (0) II	275 180 580	44-08-22 85-20-28	124.6		31.4
VACANT ALLOT	SHEBOYGAN WI	28 (0) II		43-45-03 87-42-52	182.1	168.70 137.30	31.4 CLEAR
WGTU LIC	TRAVERSE CITY WI BLCT-901206KE	29 (-) : II	2000 399 747	44-44-54 85-04-08	105.9	210.37 178.97	
VACANT ALLOT	THUNDER BAY	31 (-) II		48-23-00 89-15-00	142.3	367.40 336.00	
WACY LIC	APPLETON WI BLCT-840322KE	32 (+) I	1070 363 601	44-21-32 87-58-58	133.5	127.37 31.67	
WACY CP	APPLETON WI BPCT-931012KE	32 (+) I	1050 336 580	44-21-30 87-58-48	133.5	127.53 31.83	
VACANT ALLOT	WAUSAU WI	33 (-) II		44-57-30 89-37-40	257.6		31.4 CLEAR
VACANT ALLOT	MARSHFIELD WI	39 (-) II		44-39-09 90-10-24	251.1	211.38 115.68	
VACANT ALLOT	SUPERIOR WI	40 (0) II		46-43-14 92-06-07	295.0	381.47 261.57	